

March 22, 2002

MEMORANDUM TO: Cynthia Carpenter, Program Director
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

FROM: Peter C. Wen, Project Manager */RA/*
Policy and Rulemaking Program
Division of Regulatory Improvement Programs, NRR

SUBJECT: SUMMARY OF FEBRUARY 20, 2002, MEETING WITH FEDERAL
EMERGENCY MANAGEMENT AGENCY AND NUCLEAR ENERGY
INSTITUTE ON EXERCISE EVALUATION METHODOLOGY AND ALERT
AND NOTIFICATION SYSTEM-RELATED ISSUES

On February 20, 2002, the NRC staff held a publically observed meeting with the Federal Emergency Management Agency (FEMA), the Nuclear Energy Institute (NEI), nuclear utilities, and offsite response organizations (OROs) that support nuclear utilities, at FEMA Headquarters. Members of the media also attended. The meeting attendees are listed in Attachment 1.

The meeting agenda was as follows:

- 1.0 Introductions and statement of purpose
- 2.0 Discussion of exercise evaluation methodology (EEM) for evaluation of capability to notify the public during rapidly developing scenarios
- 3.0 Change of the Alert and Notification System (ANS) reliability performance indicator to use "availability" instead of "reliability"
- 4.0 Discussion of need to change FEMA-REP-10 surveillance reporting guidance in conformance with the change to the performance indicator

Although not presented in the meeting, three OROs submitted comments/suggestions on the development of the EEM for consideration. Their input is included in Attachment 2.

1.0 Introductions

All attendees introduced themselves. NRC stated that the staff was working with FEMA to develop an EEM for oversight of ORO capability to notify the public during rapidly developing emergencies. The purpose of the meeting was to collect information to facilitate the development process. The meeting was also to discuss changes to the Emergency Preparedness Cornerstone ANS performance indicator.

2.0 Discussion of EEM

Copies of a recent letter from the NRC Chairman to State of Illinois on this subject were handed out. This letter may be found in the NRC ADAMS system under ascension number: ML012200094. It was stated that this meeting was used to collect information for developing an EEM and that the meeting was not the proper venue for discussing whether the regulation was appropriate or in need of revision.

NEI was invited to make a presentation. They discussed regulatory aspects of the emergency notification process from nuclear utilities' perspective. NEI's presentation materials, "Fast-Breaking Emergency Notification Process and Evaluation" are included as Attachment 3.

The State of New Jersey Office of Emergency Management (OEM) and Bureau of Nuclear Engineering (BNE) were invited to make a presentation, and their presentation is summarized as follows:

NJ described their long standing process for addressing the immediate notification of the public. They have a standard operating procedure at the OEM communications point in which a designated decision maker, authorized to take protective actions, is contacted. A list of decision makers and their status is maintained. The decision maker confers with BNE, who will defer to the licensee protective action recommendation. BNE's independent assessment duties will proceed as soon as resources can be activated and briefed. OEM described the steps necessary to get approval, activate the Emergency Alert System (EAS) station, assist the EAS personnel with selection of the proper preplanned messages and activate the ANS. NJ opined that an absolute 15 minute criteria may not be met every time this process is implemented, even though this process has been in place for more than 10 years, is practiced and benefits from implementation by a quasi-military organization (the State Police.) NJ includes the time to cycle the sirens (three minutes,) a one minute delay to allow the public to tune to the radio and the activation of the EAS in their self assessment of timeliness. (It may be noted that this exceeds the measure indicated by Atomic Safety and Licensing Appeal Board case law in their interpretation of the regulations.) The NJ decision maker has the responsibility to change the utility protective action recommendation based on weather or other considerations that would impact evacuation of the public. This responsibility and decision making could be quite difficult should it ever be necessary. However, the standard operating procedure recommends acceptance of the utility protective action recommendation unless there is information that would dictate otherwise, e.g., weather, (which the decision maker is likely to be aware of.) It was noted that should a rapidly escalating nuclear power plant accident evolve during serious weather conditions, ORO emergency operation centers would likely be activated anyway. This would ease the difficulties in notification of decision makers, assessment and implementation of the protective actions. NJ uses table top drills to assess readiness and training.

Other attendees were asked to comment and several were received as follows:

- There is no regulatory requirement for oversight to be conducted via drills. A self assessment method could be developed that was not strictly dependant on demonstration drills.

- Siren activation does not need to be part of oversight as it is routinely evaluated in the biennial exercise.
- NRC inspection of the biennial exercise is essentially an inspection of the licensee's critique and corrective action program, rather than the performance directly (see NRC inspection procedure 71114 available on the NRC Home Page www.NRC.gov.) This technique could also be used by FEMA.
- It is difficult to evaluate the decision maker if an evaluation drill is to be unannounced.
- In a letter to State of Illinois, dated November 9, 2001, NRC affirmed that the timeliness criteria for this capability is a design goal of about 15 minutes. A discussion of what would be considered timely and how would it be judged took place. There would be judgement involved on the part of the evaluator and the evaluation method would have to supply criteria upon which the judgement could be developed.
- The time of the siren sounding should not be included (i.e., a 3 minute cycle) in the assessment of timeliness. (However, it should be noted that the ASLB Appeal Board did include this time in their assessment of timeliness.)
- The capability should be viewed in the larger context of public protection. OROs often must act rapidly in the protection of the public from threats. Could credit be issued for such rapid responses?
- The value of table top drills in training and identifying problems was discussed. The table top would train most responders and identify problems and perhaps solutions, unlike an unannounced drill, which would only test a single set of responders and which would provide no opportunity for discussing problems. It was suggested that if adequate oversight could be achieved through the use of table top drills, then the oversight process itself would contribute to implementer proficiency. There was some discussion that FEMA's practice of observing drills did not preclude the conduct of table top drills at some other time.

3.0 Change of the ANS reliability performance indicator to use availability instead of reliability

The current performance indicator does not directly assess the time an ANS is out of service, but rather the percentage of ANS tests that are successful. Loss of ANS can be a serious non-compliance. If the performance indicator measured availability directly, it could be used to determine the regulatory significance of ANS outages. Otherwise a judgement must be made as to the length of time, extent and adequacy of licensee actions to discover and correct the outage.

Industry made a presentation on this subject, and the presentation materials are included as Attachment 4. Industry noted that ANS outages have been infrequent and suggested that it may not be necessary to change the performance indicator because few difficulties have been experienced. Further, after experiencing outages, some of the utilities recalculated the performance indicator value in a manner that indicated the impact of the outage under the current system. Finally, the performance indicator is only two years old and it may be too soon to assess its effectiveness. Industry suggested that the proposed change be analyzed through case studies to ensure it will achieve the desired end. However, industry stated that they would consider supporting the change should it be proven to solve the problems noted and not increase unnecessary regulatory burden.

It was resolved that NRC would work up case studies to show that changing the performance indicator would actually provide an effective tool to determine regulatory significance of ANS problems. These case studies will be shared and discussed at a future publically observed meeting. If the efficacy of the change is shown, it will go forward in accordance with the NRC established process to change the performance indicator system.

4.0 Discussion of need to change FEMA-REP-10 surveillance reporting guidance

FEMA indicated that if the performance indicator is changed, they would be amenable to a revision to FEMA-REP-10 to remain consistent. It was noted that this change was not absolutely necessary, but seemed appropriate

Having completed discussion of the agenda items, the meeting was closed

Project No. 689

Attachments: As stated

cc w/atts: See list

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